

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983, WITH
JURISDICTION UNDER 28 U.S.C. § 1343**

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

Brian R. Holmes

Plaintiff,

V.

Dale P. Lancaster, Sheriff

Michael O. Mitchell, Chief Deputy

Cory C. Swope, Jail Administrator

Sean P. MaGuire,

Assistant Jail Administrator

Teisha Cates, Compliance Monitor

Defendant(s)

Docket No. _____

I. Previous Lawsuits

- A. Have you begun other lawsuits in the state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

NO

II. Place of present confinement: Somerset County Jail

- A. Is there a prisoner grievance procedure in this institution?

YES

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

YES

C. If your answer was “yes”

1. **The steps that I took are as follows:**

In regards to Contact Visits;

October 23, 2019 I filed a level one grievance. Upon receiving the level one grievance back on October 26, 2019. On October 26, 2019 I filed the Level 2 grievance. On November 4, 2019 Level 2 response came back. Grievance has been filed with Department of Corrections and currently await the answer. Policy here at Somerset Set County Jail says that all answers that come from the Jail Administrator are final. (Inmate Grievances, 2017)

In regards to Phone Costs;

October 17, 2019 I filed a level one grievance. On October 18, 2019 level one grievance response came back, I then filed level 2 on October 18, 2019. Grievance has been filed with Department of Corrections and currently await the answer. Policy here at Somerset County Jail states that all answers that come from the Jail Administrator are final. (Inmate Grievances, 2017)

2. **What was the result?**

In regards to Contact Visits;

Level 1 response “Somerset County Jail approves visits on a case basis for physical contact. This is not a mandatory standard”.

Level 2 response “SCJ has a valid waiver for the standard J.15 from Maine DOC”

In regards to Phone Costs;

Level 1 response “SCJ is in compliance with FCC regulations. This has been sent to Major Swope for discussion”.

Level 2 response “Video Visits are cheaper option for your outside friends and family. Refer to hand book.

III. Parties

- A. Brian R. Holmes, Plaintiff
Somerset County Jail
131 East Madison Road
Madison, Maine 04950
- B. Dale P. Lancaster, Defendant
Sheriff
Somerset County Jail
131 East Madison Road
Madison, Maine 04950
- C. Michael O. Mitchell, Defendant
Chief Deputy
131 East Madison Road
Madison, Maine 04950
- D. Cory C. Swope, Defendant
Jail administrator
131 East Madison Road
Madison, Maine 04950
- E. Sean P. Maguire, Defendant
Assistant Jail Administrator
131 East Madison Road
Madison, Maine 04950
- F. Teisha Cates, Defendant
Compliance Monitor
131 East Madison Road
Madison, Maine 04950

IV. Statement of Claim.

[State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.]

1. The facts supporting my argument on contact visits are as follows;

On about July 22, 2019 I was brought here to Somerset County Jail. I am currently being held on Federal charges. It is my understanding that being a pre-sentence inmate I retain more rights than those who have been convicted. I wrote a request to Assistant Jail Administrator Sean P. MaGuire asking if I could have a contact visit with my 18 month old son and my sons' mother. Assistant Jail Administrator Maguire stated on a prisoner request form that "SCJ only will allow this after you have been sentenced, re-apply later". On October 23, 2019 I filed a grievance in regards to denying my contact visits, stating Municipality and County Jail Standard J.15, "*Inmate visits with family and friends should be conducted under staff supervision. In the absence of a substantiated security risk, and consistent with the inmate's classification, visits should include the opportunity for physical contact. At a minimum, one hour of contact visiting every other weekend should be provided by the facility for minimum and medium security inmates*" (Section IIa County Jails, J.15, 2019).

On October 26, 2019 Compliance Monitor Teisha Cates responded to the level 1 grievance, Miss Cates told me to put into the Jail Administrator as Somerset County Jail will do contact visits, but only on a case by case basis. October 26, 2019 I filed the Level 2 grievance, November 4, 2019 Assistant Jail Administrator Sean P. MaGuire responded "SCJ currently has a waiver from DOC for this standard". Assistant Jail Administrator Sean P. Maguire did not provide a copy of such waiver. Nor did MaGuire provide any documentation as to substantiated security risk. To date Jail Administrator Cory C. Swope has not answered none of the three inmate requests I have filed.

In addition to standard J.15, standard J.11 states "*Facilities should make provisions for contact visits for inmates allowed such visits.*" (Section IIa County Jails J.11, 2019)

2. The facts supporting my argument for Inmate Phone Costs are all follows;

On or about July 22, 2019, I was brought here to Somerset County Jail. Currently I'm being held on federal charges. It is my understanding that due to the fact that I'm a pre-sentence detainee I retain more rights than those Inmates who have been convicted. On three different occasions I wrote inmate request forms to Jail Administrator Cory C. Swope, in reference to the current pricing for inmate phone calls. I stated that I have to pay \$5.51 for (1) fifteen minute call. I also stated to Jail Administrator Cory C. Swope that this price has caused not only me but my family significant hardship. I explained that I'm not from the area and my family is all from at least three to four hours away. To date Jail Administrator Cory C. Swope has never responded to any of the Inmate request forms that I have put into him.

On October 17, 2019 I filed a Level 1 grievance after numerous attempts to speak with administration in regards to the current phone pricing. October 18, 2019 the response from Teisha Cates, to the Level 1 grievance came back, stating "SCJ complies with all FCC regulations." On October 18, 2019 I filed the Level 2 grievance. On November 4, 2019 Assistant Jail Administrator Sean P. Maguire responded "You can do video visits they are cheaper."

Multiple attempts have been made to obtain a copy of the current contract Somerset County Jail has with the current Inmate Phone System Provider ITI. Teisha Cates, has stated three times that Jail Administrator Cory C. Swope is going to provide a copy of the current contract. Under Maine statute neither the sheriff or jail administrator has the authority to collect money off the phones, even if it is done through "site commissions". Due to inability to obtain the current contract I have no way to see how much site commission is being made by the Somerset County Jail. Somerset County Jail prices grossly exceed the national average and the state wide average. Furthermore, how can Somerset County Jail officials' belief that charging such high rates are not a violation of the Maine Consumer Fraud Act.

V. Relief

[State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.]

In matter number 1, I would like for the court to review current practices of Somerset County Jail and provide a means for me to have contract visits. I only ask for what standard J.15 and J.11 state, no more. I ask for Punitive damages of \$5,000 dollars.

In matter number 2, I would like for Somerset County Jail to lower the current phone rates, to what the national standard currently is or even the state wide average. I ask for punitive damages of \$5,000 dollars.

I also ask that Somerset County Jail pay all court cost, to include;

- 1) Postage
- 2) Photocopies
- 3) Filing Fees
- 4) Any other cost incurred.

Brian All
Signature of Plaintiff

Signed this 26 day of November, 2019

I declare under penalty of perjury that the foregoing is true and correct.

11-26-19
Date

Brian All
Signature of Plaintiff